

## Message Text

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ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 IOE-00 ACDA-19 CIAE-00 DODE-00

PM-07 INR-10 L-03 NSAE-00 NASA-04 NSC-07 RSC-01

SCI-06 H-03 PA-04 PRS-01 SPC-03 SS-20 USIA-15 OIC-04

AF-10 ARA-16 EA-11 NEA-10 FCC-03 OTPE-00 EB-11 CU-04

SAJ-01 OC-06 CCO-00 DRC-01 /220 W

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P R 191355Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 4704

INFO AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY STOCKHOLM

USUN NEW YORK 192

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E.O. 11652: N/A

TAGS: TSPA, PFOR, UN, UR, CA, SW

SUBJECT: OUTER SPACE: DIRECT BROADCAST SATELLITE (DBS)

WORKING GROUP

1. SUMMARY: DBS WORKING GROUP MOVED FROM GENERAL DEBATE TO DRAFTING ITS REPORT; WG WILL NOT ATTEMPT TO DRAFT SPECIFIC PRINCIPLES. US POSITION SIGNIFICANTLY IMPROVED AS RESULT OF TABLING DRAFT VOLUNTARY PRINCIPLES. SOME SUBSTANTIVE SUPPORT FOR US POSITIONS, BUT MOST WG MEMBERS WANT SOME FORM OF CONSENT PRINCIPLE. DISAGREEMENT PERSISTS OVER APPLICABILITY OF ITU REGULATIONS BEYOND TECHNICAL ASPECTS. US AND USSR CONTINUE TO ESCHEW POLLEMICS WHILE MAINTAINING SHARPY DIVERGENT SUBSTANTIVE POSITIONS.

2. DBS WORKING GROUP RECESSED MARCH 15 AND DRAFTING GROUP OF THE WHOLE BEGAN MEETING UNDER CHAIRMANSHIP OF INDIAN REP  
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VELLODI TO DISCUSS US, USSR, CANADA/SWEDEN DRAFT PRINCI-

PLES, PLUS ARGENTINE WORKING PAPER IN FORM OF "STATEMENT OF PROBLEMS AND PROPOSED SOLUTIONS," INTRODUCED LATE IN WEEK. COPIES OF LATTER POUCHED ADDRESSEES. NEITHER DRAFTING NOR WORKING GROUP AS WHOLE WILL ATTEMPT TO MODIFY OR NEGOTIATE LANGUAGE OF ANY OF ABOVE DRAFTS. INSTEAD, MAJOR PORTION OF WG REPORT WILL CONSIST ESSENTIALLY OF SUMMARY OF COMMENTS MADE ON EACH DRAFT AS AGREED WITHIN DRAFTING GROUP, TO BE TAKEN INTO ACCOUNT BY LEGAL SUBCOMMITTEE IN ITS CONSIDERATION OF DBS PRINCIPLES.

3. ASKED PRIVATELY ABOUT STATUS OF 1970 FRENCH TEXT, FRENCH REP CHARVET INDICATED THAT WHILE NOT FORMALLY WITHDRAWING TEXT, FRANCE WOULD NOT ASK THAT IT BE CONSIDERED TOGETHER WITH OTHER DRAFTS NOW IN PLAY. CHARVET ACKNOWLEDGED AS QUOTE PERHAPS JUSTIFIED UNQUOTE CRITICISM THAT FRENCH TEXT TOO DETAILED FOR SATISFACTORY GENERAL PRINCIPLES. IN ANY EVENT, HE SAID, FRANCE CONSIDERED IT HAD BEEN USEFUL CATALYST FOR OTHER PROPOSALS, NOW INCLUDING US DRAFT.

4. AFTER CONSULTATIONS WITH US DEL TO CSCE NEGOTIATIONS AND BEFORE SUBMITTING TEXT TO SECRETARIAT, WE MODIFIED OUR ART IV TO READ QUOTE WHILE TAKING INTO ACCOUNT DIFFERENCES AMONG CULTURES UNQUOTE IN PLACE OF QUOTE WHILE RESPECTING DIFFERENCES AMONG CULTURES UNQUOTE. (SOME CONCERN THAT LATTER ECHOED SOVIET LINE IN CSCE.)

5. GENERAL REACTION TO US TABLING DRAFT HAS CONTINUED VERY POSITIVE, GIVING RALLYING POINT TO THOSE DELS THAT SUPPORT FREE FLOW OF INFORMATION AND MOVING FOCUS OF DISCUSSION SIGNIFICANTLY AWAY FROM EXTREME SOVIET POSITION. HOWEVER, AFTER FIRST WEEK IT CLEAR THAT GREAT MAJORITY OF WG MEMBERS FAVOR SOME FORM OF PRIOR CONSENT PRINCIPLE.

6. SIGNIFICANT SUBSTANTIVE DEBATE HAS FOCUSED ON PARA 428A OF ITU RADIO REGULATIONS, WHICH CANADIAN AND SWEDISH DELS INSIST CONSTITUTES AGREEMENT THAT NO D B SATELLITE DESIGNED TO BROADCAST TO FOREIGN COUNTRIES CAN BE LAUNCHED WITHOUT PRIOR CONSENT OF AFFECTED COUNTRIES. PURSUANT TO HEFFCUTT-DOYLE TELECON AND STATE 51885 NOTAL, US DEL HAS REPEATEDLY ARGUED THAT 428A READ IN CONJUNCTION WITH LIMITED OFFICIAL USE

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RESES SPA 2-2 AND 2-3 DOES NOT SUPPORT ASSERTION THAT PRIOR CONSENT IS NECESSARY FOR LAUNCH EXCEPT IN TECHNICAL INTERFERENCE AREA. WG MEMBERS ARE CONSIDERABLY CONFUSED ON THIS POINT, AS US, CANADA AND SWEDEN REPEATEDLY HAVE PARIED, AND USSR PERIODICALLY SPEAKS UP TO SAY ITU REGS ARE RELATED ONLY TO TECHNICAL QUESTIONS AND CANNOT BE USED AS BASIS FOR BARRING LAUNCH ON ANY OTHER GROUNDS.

7. DURING DEBATE USSR HAS REITERATED POSITION THAT ANY DIRECT BROADCAST AIMED AT ANOTHER STATE IS ILLEGAL UNLESS PRIOR CONSENT IS OBTAINED, AND THAT UNINTENTIONAL SPILLOVER IS ILLEGAL IF CONSULTATIONS DO NOT TAKE PLACE AFTER A REQUEST IS MADE; THAT STATE CONSTITUTIONS CANNOT BE FORCED ON INTERNATIONAL COMMUNITY OR ON OTHER STATES; THAT RIGHT NOT TO LISTEN IS AS GREAT AS THE RIGHT TO EXPRESS IDEAS. SOVIETS ALSO HAVE REPEATEDLY STRESSED THEY HAVE NOT WITHDRAWN DRAFT CONVENTION AS OBJECT OF EVENTUAL CONSIDERATION IN GA, EMPHASIZING THAT BINDING TREATY STILL NECESSARY AS END PRODUCT OF UN DELIBERATIONS ON DBS. (FRANCE REITERATED SUPPORT FOR THIS VIEW). ON PROCEDURE IN WG, SOVS HAVE PRESSED HARD FOR ACTUAL DRAFTING OF ARTICLES, WHICH HAS BEEN WIDELY AND SUCCESSFULLY RESISTED. AUSTRIAN DEL, FOR EXAMPLE, IN STRONGLY WORDED INTERVENTION CALLED SOVIET APPROACH PREMATURE AND INAPPROPRIATE FOR WG. AUSTRIANS ALSO SUBJECTED USSR DRAFT TO UNUSUALLY SEARCHING AND CRITICAL ANALYSIS.

8. SWEDEN AND CANADA HAVE REPEATEDLY ATTEMPTED TO DIFFERENTIATE THEIR PRIOR CONSENT PROPOSAL FROM THAT OF USSR. WHILE SOVIETS WANT PROGRAM CONTENT REVIEW, SWEDES AND CANADIANS SAY THEY ARE INTERESTED ONLY IN BUILDING ON PROVISIONS ALREADY AGREED IN ITU REGS PARA 428A, WHICH AS NOTED ABOVE THEY ASSERT MEANS SATELLITE CANNOT BE LAUNCHED WITHOUT PRIOR CONSENT OF COUNTRIES IT WOULD BROADCAST TO. SWEDISH/CANADIAN PROPOSAL ALSO INCLUDES PARTICIPATION SCHEME WHICH APPLIES TO PROGRAM PRODUCTION, AND SWEDES HAVE STATED THEY ENVISAGE INTERNATIONAL NOT UNILATERAL MANAGEMENT OF DIRECT BROADCAST SYSTEMS BECAUSE OF EXPENSE AND COMPLEXITY.

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9. UK DEL HAS BEEN MOST SUPPORTIVE OF US POSITION THROUGH-  
OUT DISCUSSIONS SO FAR, INCLUDING OUR INTERPRETATION OF ITU  
REGS. BELGIUM HAS ADVOCATED REGIONAL NOT GLOBAL RULES FOR  
DBS, HAS BEEN EXTREMELY CRITICAL OF SOVIET DRAFT, AND GENERALLY  
FAVORABLE TO ALTHOUGH NOT WARM ABOUT SWEDISH/CANADIAN DRAFT.  
JAPANESE, FRG, AND US POISTIONS ON NEARLY ALL ISSUES BEFORE WG  
HAVE BEEN CONSISTENT AND WE HAVE BEEN COORDINATING CLOSELY.

10. EARLY IN SESSION SOVIETS AND WE EVOLVED PRIVATE UNDER-  
STANDING THAT WHEREAS BOTH WOULD MAINTAIN AND DEFEND POSITIONS  
VIGOROUSLY, EACH WOULD ESCHEW DIRECT ATTACK UPON THE OTHER  
IN PUBLIC DISCUSSIONS. AS SOVIET REP PUT IT "WE GREAT  
POWERS SHOULD AVOID CONFRONTATION EVEN IF THIS MAKES SOME  
LESSER POWERS UNHAPPY." DEBATE AS BETWEEN OUR TWO DELEGA-  
TIONS HAS IN FACT BEEN NOTABLY NON-POLEMIC, WITH LITTLE DIRECT  
REFERENCE TO EACH OTHER'S POSITIONS.

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11. NEVERTHELESS, RANGE OF DEBATE GENERALLY HAS TENDED TO BE  
DEFINED BY SOVIET AND US POSITIONS AT OPPOSITE ENDS, WITH  
DEEP DIVERGENCIES REPEATEDLY REVEALED IN DISCUSSIONS AND  
NO HOLDS BARRED ON SUBSTANCE OF ISSUES. IN THESE CIRCUM-  
STANCES, SWEDISH/CANADIAN POSITION FREQUENTLY TENDS TO  
PREEMPT THE SEEMINGLY REASONABLE MIDDLE GROUND AND TO  
ATTRACT MAJORITY SUPPORT, INCLUDING FOR SOME FORM OF  
PRIOR CONSENT REGIME. NONETHELESS, OUR WIDE-RANGING OPPO-  
SITION TO PRIOR CONSENT SEEMS AT LEAST TO HAVE RAISED DOUBTS  
AMONG SEVERAL DELEGATIONS AND TO HAVE GAINED SUPPORT FROM  
UK, FRG, JAPANESE AND ITALIAN DELEGATIONS.

12. THE MOST SIGNIFICANT IMPROVEMENT IN CURRENT US POSTURE  
IN WG IS THAT BY INTRODUCING DRAFT OF OUR INTERPRETATION OF  
WIDELY AGREED PRINCIPLES, AND BY OUR STATEMENTS AND INTER-  
VENTIONS, WE APPARENTLY HAVE PERSUADED MOST OTHER DELEGATIONS  
THAT WE SEEK TO BE POSITIVE AND CONSTRUCTIVE WITHIN LIMITS  
IMPOSED BY OUR DEEP-SEATED RESERVATIONS OF PRINCIPLE. HOW-  
EVER, MEASURE OF OUR SUCCESS IN PROJECTING THIS ATTITUDE

WILL COME ONLY LATER IN WEEK WITH DRAFTING OF FINAL TEXT OF  
WG REPORT.DALE

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## Message Attributes

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**Copy:** SINGLE  
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**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**TAGS:** TSPA, PFOR, UR, CA, SW, UN  
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